

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, January 4, 2000  
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Titus James, North Heights Christian Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of December 21, 1999, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

PROCLAMATIONS

Proclamations previously approved were presented.

**NEW BUSINESS**

INTERNET TAXATION

**FAIR COMMERCE/INTERNET TAXATION RESOLUTION.**

Mike Taylor

Intergovernmental Relations Director reviewed the Item.

Agenda Report No. 00-0001.

The Internet Tax Freedom Act became law in October 1998. The law imposes a three year moratorium on new state and local taxes for online transactions and sales. During the moratorium, a national advisory commission is studying and will recommend rules for international, federal, state and local taxes on Internet sales and comparable international and national sales activities.

Although the Advisory Commission on Electronic Commerce is scheduled to make a report and recommendation to Congress next April, Senator John McCain has announced plans to introduce legislation in January to permanently exempt all Internet sales from taxation. The National League of Cities, the National Association of Counties, U.S. Conference of Mayors, International City/County Management Association, National Conference of State Legislatures, National Governors' Association, and Council of State Governments are joining in support of fair and equal taxation. In addition, the American Association of School Administrators, National School Boards Association, and American Booksellers Association are in support of fair and equal taxation on sales.

Internet commerce is a huge, important, and fast-growing segment of the U.S. economy. Business-to-business electronic commerce, a significant portion of which is subject to sales tax, is growing at an astonishing rate and is projected to reach \$1.3 trillion by 2003. Business-to-consumer online retail sales are growing rapidly as well. By 2003, it is estimated that six percent of all U.S. retail dollars-or \$108 billion-will be spent online.

State and local governments depend on the retail sales tax to provide services, including police, fire, education, transportation, health, and environmental quality-to citizens and businesses. The sales tax is the single largest source of state tax revenue (\$147 billion nationally in 1997) and is a critical component of thousands of local revenue systems in 25 states. The existing sales tax system works well: citizens and the officials citizens elect to deliver state and local services make the decisions about state and local sales tax revenues. The tax-free status of these electronic commerce transactions violates the principles of tax neutrality by taxing identical goods differently

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based solely on the location of the seller, puts local merchants at a competitive disadvantage, and threatens the long-term viability of the sales tax as a key source of state and local government revenue.

The federal government must act to create a fair and equitable tax for sales of goods and services over the Internet. Congress must change the federal rules to ensure that retail businesses, cities, and states can all play by the same rules-and that those rules are fair. It is unacceptable for the federal government to treat local businesses inequitably, depending upon whether they sell goods in a local store, on the phone, by mail order, or over the Internet. Federal legislation should not create a protected class of taxpayers at the expense of Main Street and other taxpayers. Only the Congress can change federal laws to provide authority for states to require out-of-state mail order and electronic vendors to collect and remit state and local sales taxes.

The gap between those who use the Internet and those who do not is widening. According to a recent report of the U.S. Department of Commerce, the Internet revolution is bypassing the poor, minorities, and those who live in inner cities or rural areas. Personal computers are present in 80 percent of homes in which families make \$75,000 a year or more but in fewer than 16 percent in which families make less than \$20,000. Falling computer prices have had no impact on this "digital divide," and the gap between the Internet haves and have-nots is creating growing social divisions based on class and race. The poor, who most often buy goods and services in cash from local merchants, are unable to take advantage of the increased choices, competitive prices, and convenience that online shopping provides. Because they pay sales taxes on their purchases to local retailers, the poor also pay more for some goods and services than high-income individuals who can avoid the sales tax by shopping online.

While there are approximately 7,400 jurisdictions that currently impose a sales tax, the technology exists today to collect such taxes. Numerous software companies have tax compliance systems that can accommodate the existing diversity in our nation's state and local sales tax systems. The Advisory Commission on Electronic Commerce and Congress have the opportunity to address the sales tax equity problem before the disparities between remote sellers and bricks-and-mortar retailers permanently distort the marketplace, forcing state and local governments to raise taxes in other areas to offset sales tax shortfalls.

It is recommended the City Council voice support for fair and equal commerce and urge the Kansas Congressional Delegation to oppose legislation preempting state and local authority to benefit from sales conducted from e-Commerce.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 00-001

A Resolution by the Wichita City Council in support of fair and equal commerce, presented. Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

## ECONOMIC DEV.

### ONE-TIME FUNDING FOR ECONOMIC DEVELOPMENT MARKETING MATERIALS.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 00-0002.

On March 16, 1999, the City Council approved a contract for services with the Wichita Area Chamber of Commerce, under which the Chamber would provide certain economic development services on behalf of the City. The contract covered services for the calendar year 1999, including expansion/retention of existing businesses, recruitment of new businesses, promotion of downtown development and start up of new technology businesses. The Chamber has requested one-time supplemental funding to enable it to acquire certain economic development marketing materials and tools, to enhance its future ability to provide economic development services.

The 1999 contract with the Chamber for economic development services provided \$180,000 in funding for staff costs and direct business development expenses. A small amount of the funding, less than \$8,000, was earmarked for purchase of marketing and promotional materials. As part of the expansion of Chamber activities in the area of economic development, the Chamber has hired a full-time marketing manager to develop programs and concepts for marketing the Wichita area for economic development purposes. One result of the Marketing Manager's efforts has been the launch of the Chamber's highly acclaimed website with its strong emphasis on economic development and the theme "Wichita Works."

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The Chamber has asked for additional funding, on a one-time basis, that will allow it to acquire materials needed to implement the new marketing program. The \$70,000 amount requested will be used in part to develop a CD-ROM disk containing promotional and economic development information on Wichita that can be included in marketing packages and sent to economic development prospects. Another part of the funding will be used to acquire website programming that will allow prospects and site consultants to carry out user-friendly database searches for suitable industrial sites. Marketing materials to be used in preparing mailings and recruitment packets for new business prospects will also be purchased. All materials will be based on the "Wichita Works" theme and will incorporate the City of Wichita logo along with that of the Chamber of Commerce.

The requested \$70,000 one-time funding, if approved, will be paid from the Economic Development Trust Fund. As one-time funding, this funding will not be added to the 1999 contract amount of \$180,000 for the purpose of determining the amount of any future economic development contracts that may be requested by the Chamber. All expenditures by the Chamber for materials under this on-time funding will be approved in advance by the Finance Department.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the funding be approved. Motion carried 7 to 0.

## APPOINTMENT

### APPOINTMENT TO SOUTH CENTRAL MUNICIPAL ENERGY AGENCY (MEA).

Chris Cherches City :Manager reviewed the Item.

Agenda Report No. 00-0003.

In 1999, the City Council authorized the City's participation in the creation of a Municipal Energy Agency. Wichita and El Dorado City Manager's initiated the establishment of this agency in 1998 for the purpose of planning, studying and developing facilities and programs for the purpose of securing an adequate, economical, and reliable supply of electricity and other energy. Over the past year, a number of meetings with representatives of nearby cities were held to stimulate interest and develop the organization. At the present time, there are six (6) cities that have taken official steps to participate in this agency, these include: Hutchinson, El Dorado, Arkansas City, Derby, Newton, and Wichita. Several other cities are considering participation but have not yet completed the legal process necessary.

The proposed SouthCentral Municipal Energy Agency Agreements that have been adopted by all involved cities create the Municipal Energy Agency with broad powers and authority to carry on all activities allowed under the State law. A summary of the organization, structure, and powers of the Agency are listed in Agenda Report 99-313(a), dated June 15, 1999. The MEA is a quasi-municipal corporation authorized by statute. The Bylaws specify that the Board of Directors shall, initially, consist of one (1) individual representing each Member City, along with an Alternate.

To implement the SouthCentral Municipal Energy Agency, Member cities are appointing their City Manager's, as representatives, to organize the Agency's business and to establish the working procedures that will be required. As other cities take action to become members and the Agency becomes more established, Member cities may wish to appoint others as their representatives, including members of their respective governing bodies.

The City of Wichita has taken all legal steps necessary to be a member of the Agency. With the formal action of the six member cities, the Municipal Energy Agency is created subject to the Attorney General's approval of the MEA Agreements.

There will be no significant costs in the establishment of the Agency, unless the members implement actions that will require financial participation. It is anticipated that there will be future funding requirements once a work plan is approved by the Member cities. Initially, Member cities will finance administrative and clerical expenses as part of their participation in the Agency.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Knight moved that the City Manager be appointed as representative and Joe Pajor, Natural Resource Director, be appointed as the Alternate Director. Motion carried 7 to 0.  
-- carried

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## WIBC CONTRACT

## WOMEN'S INTERNATIONAL BOWLING CONGRESS (WIBC) CONTRACT.

Joe Boyd

President and CEO of the Convention and Visitors' Bureau reviewed the Item.

Agenda Report No. 00-0004.

The City of Wichita has the opportunity to host the 2004 WIBC Bowling Tournament and annual meeting and convention. The bowling tournament will be held at a private bowling house and the convention, which will draw over 5,000 delegates, will be held at Century II.

Over the past months, City staff and Wichita and Convention and Visitor's Bureau (CVB) staff have been negotiating the terms of the tournament and the annual meeting/convention with WIBC. The CVB will make the formal invitation to the WIBC on May 3, 2000, during their convention week in Reno, Nevada. It is anticipated that a final contract will be reached once WIBC has been issued and accepted the invitation to hold the tournament in Wichita. The proposed agreement to reach a final contract will cover the requirements for the tournament, including use of Century II & Century II equipment, site set up requirements for the annual convention, and the site selection fee.

The WIBC annual meeting and convention invitation represents a significant economic impact for the City of Wichita. Projections indicate that WIBC 2004 will utilize 69,800 room nights over a 10-week period. This translates into over \$4 million in hotel revenue and an additional \$275,000 in Transient Guest Tax revenue. The direct economic impact from the convention/tournament will be approximately \$25 million to the community with additional revenues generated from bowling centers, tourism opportunities, and retail. The total economic impact is projected by WIBC to approach \$50 million for the host city.

The tournament requires free use of the Century II Convention Center for the convention week from April 29 through May 6, 2004 (a value of \$17,720 based on current rental rates) and a subsidy payment of \$375,000, as contracted with the CVB. The subsidy payment will be funded through the Transient Guest Tax in the amount of \$75,000 per year over the next five years.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --  
-- carried

Knight moved that the agreement authorizing CVB and City staff to negotiate the final contract; and the Century II Director be authorized to sign. Motion carried 7 to 0.

## CITY COUNCIL AGENDA

## APPOINTMENTS

## BOARD APPOINTMENTS.

There were no appointments made.

## PROCLAMATIONS

## PROCLAMATIONS:

--Pro-Family Month

Motion -- carried

Knight moved that issuance of the Proclamation be authorized. Motion carried 7 to 0.

## CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 20, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## BOARD OF BIDS

## BOARD OF BIDS AND CONTRACTS DATED JANUARY 3, 2000.

There was no January 3, 2000, Board of Bids and Contracts meeting.

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## LICENSE APPS.

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES:

#### Renewal – Erotic Dance Studio

Anthonio Johnson                      Tops and Bottoms                      4904 North Arkansas

Motion -- carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
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Carmen Lopez	Connie's Mexico Café*	2227 North Broadway
Mon Fee Wong	Golden Dragon Restaurant*	6100 East 21st Street #180
Marvin E. Autry	The Cedars Saloon*	3906 East 13th Street
Julie A. Hungate	L.W. Clapp Golf Specialist*	4611 East Harry
Ruben Acusta	Ruben & Anita's Tacos*	835 East First Street

#### (Consumption off Premises)

Lethanh T. Le	Le Enterprises LLC dba Broadway Supermarket	1336 North Broadway
Jay A. Johnson	Johnson's General Stores, Inc. #06	1003 South Seneca

<u>New Operator</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
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Danny Vo	Lotus Garden Restaurant*	2135 West 21st Street North
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<u>New Establishment</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
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Rita J. McClanan	Crescent Oil Company, Inc. dba Jump Start #19	3805 West 21st Street North
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\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

## PLANS AND SPECS

### SUBDIVISION PLANS AND SPECIFICATIONS.

Water distribution system to serve Wilderness at the Park Addition - south of Pawnee, east of Maize Road. (448-88749/734934/470604) Does not affect existing traffic. City Council approval date: 6/8/1999 (District V)

Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., January 14, 2000. Motion carried 7 to 0.

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

a. Water distribution system to serve Maple Hill/ Second, Third, Fourth, and Fifth Additions - south of Maple, west of 135th Street West. (448-89376/734930/470600) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: June 8, 1999. (District V) - \$354,000.00

b. Lateral 328, Southwest Interceptor Sewer to serve Wilderness at the Park Addition - south of Pawnee, east of Maize. (468-82353/743807/480495) Does not affect existing traffic. City Council approval date: June 8, 1999. (District V) - \$47,000.00

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c. Lateral 32, Main 9, Sanitary Sewer No. 23 to serve Frank & Johnny's Addition - north of 37th Street North, west of Rock Road. (468-81835/743816/480504) Does not affect existing traffic. City Council approval date: March 1, 1988. (District II) - \$52,952.00

d. 119th Street West Bridge over Calfskin Creek - On 119th Street West between Maple & Kellogg. (472-82746/715676/249084) Closed to traffic during construction. City Council approval date: November 23, 1999. (District V) - \$1,140,000.00

e. Water distribution system to serve Kell Hawkins Addition - at Doris, south of Central. (448-89391/734929/470599) City Council approval date: January 4, 2000. - \$1,275.00

f. Water distribution system to serve Lot 3, Block 2, Kell Hawkins Addition - south of Central, east of Hoover. (448-89348/734928/470598) City Council approval date: January 4, 2000. - \$1,275.00

g. Sidewalk, northeast corner of 12th and Coolidge - south of 13th Street North, west of Seneca. (472-83003/765321/490634) City Council approval date: January 4, 2000. - \$2,798.35

h. Sidewalk on the west side of Vine, south of First Street. (472-82987/765198/490621) City Council approval date: January 4, 2000. - \$790.00

i. Sidewalk on the east side of Pattie, north of Clark. (472-82985/765230/490625) City Council approval date: January 4, 2000. - \$700.00

j. Sidewalk to serve Interfaith Ministries - north of Murdock, west of Broadway. (472-83036/765511/490653) City Council approval date: January 4, 2000. - \$9,506.00

k. Sidewalk adjacent to odd lots 29-31, Broadway, to serve Mungers Original Town Addition - north of Murdock, west of Broadway. (472-82998/765271/490629) City Council approval date: January 4, 2000. - \$9,090.00

l. Decel lane and left turn lane at 21st Street, Newmarket Square Addition - north of 21st Street North, west of Maize Road. (472-82927/764860/490588) City Council approval date: January 4, 2000. - \$70,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

## STATEMENT OF COST STATEMENT OF COST.

Second Partial Estimate of Cost - Lawrence Dumont Stadium Capital Repairs - \$725,000 (Less financing previously issued - \$700,000. Financing to be issued at this time - \$25,000. (792051/358-234)

Motion -- carried

Knight moved that the Statement of Cost be approved and filed. Motion carried 7 to 0.

## UTILITY EASEMENT UTILITY EASEMENT:

Utility easement dated November 2, 1999, from Christian A. Ablah, Philip A. and Angie Bundy for a tract of land in Lot 1, Lawrence Development First Addition. (Private Project - OCA 607861) (No cost to City).

Motion -- carried

Knight moved that the document be received and filed. Motion carried 7 to 0.

## WATER SYSTEM PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE BELRIV ADDITION - NORTH OF KELLOGG, WEST OF 159TH STREET EAST. (District II)

Agenda Report No. 00-0005.

On June 8, 1999, the City Council approved a Petition to construct a Water Distribution System to serve Belriv Addition. An attempt to award a construction contract within the budget set by the Petition was not successful.

A new Petition with an increased budget has been submitted. The signature on the new Petition represents one owner of 100% of the improvement district.

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The original Petition totaled \$52,000. The new Petition totals \$72,000 with \$67,500 assessed to the improvement district and \$4,500 paid by the Water Utility. The Utility share is for the cost of oversizing the pipe to serve future development beyond the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-002

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89395 (north of Kellogg, west of 159th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## WATER SYSTEM

### **PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE PLAZA CENTRAL OFFICE PARK - SOUTH OF CENTRAL, EAST OF GREENWICH.** (District II)

Agenda Report No. 00-0006.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to an office park.

The estimated project cost is \$21,600. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-00-003

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89444 (south of Central, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## STREET CLOSURES

### **CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures considered.

## CLAIMS ALLOWED

### **REPORT ON CLAIMS ALLOWED – NOVEMBER, 1999:**

<u>Name of Claimant</u>	<u>Amount</u>
Jean Burns (Hultman)	\$1,149.36*
Loretta Hervey-Shine	\$1,300.00*
John Chance	\$1,000.00*
Andrew Mullins	\$ 328.69
Kansas Gas Service	\$ 292.09*
Kansas Gas Service	\$ 411.45*
LeRene James	\$ 150.00
Betty Fields	\$ 200.00*

\*Settled for a lesser amount than originally claimed.

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

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## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES - NORTHRIDGE LAKES ADDITION - EAST OF TYLER ROAD, SOUTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 00-0007.

The City Council approved the Northridge Lakes Addition plat on December 9, 1997.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in the Northridge Lakes Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$23,000, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN CONTRACT - 66-INCH RAW WATER PIPELINE. (District VI)

Agenda Report No. 00-0008.

On August 10, 1999, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 2000 Water Program. On November 3, 1999, the Staff Screening and Selection Committee selected consulting firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

Professional Engineering Consultants, P.A. was selected to design a 66-inch raw water pipeline which is intended to carry raw water from the proposed Water Treatment Plant site near 21st and Hoover to the Central Water Treatment Plant near Sim Park.

Payment will be made on a cost plus percentage of cost basis and not to exceed \$222,600. The funding source is General Obligation Bonds and Water Utility Funds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### DESIGN CONTRACTS - ARTERIALS AND WATER PROGRAM. (Districts II, IV, and V)

Agenda Report No. 00-0009.

On August 10, 1999, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 2000 Arterials and Water Program. On November 3, 1999, the Staff Screening and Selection Committee selected consulting firms to perform the design engineering for the CIP projects, associated petitioned projects, and incidental water and sewer lines.

Following is the list of projects, the firm selected for each project and the maximum fee allowed by the Agreements.

<u>LOCATION/DESCRIPTION</u>	<u>CONSULTANT</u>	<u>FEE</u>
Update NW Wichita Traffic Congestion Relief	Parsons Brinckerhoff Quade	\$119,316
West Douglas Streetscaping	McCluggage Van Sickle & Perry	\$ 24,000
Waterline in Pawnee, Webb to Greenwich	Young & Associates	\$ 15,300
Waterline in 29th, Tyler to Maize	Professional Engineering	\$ 21,900

The design fees total \$180,516. The funding source is General Obligation Bonds and Water Utility Funds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.



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## 33<sup>RD</sup> ST. BRIDGE

### CONSTRUCTION ENGINEERING AGREEMENT FOR 33RD STREET NORTH BRIDGE AT WEST DRAIN. (District VI)

Agenda Report No. 00-0010.

On May 19, 1998, the City Council approved a project to rehabilitate the 33rd Street North Bridge over the West Drain. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On August 3, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

The current sufficiency rating of this bridge indicates that major repairs will be required to help preserve the structural integrity of the existing bridge. Construction is expected to begin in early 2000.

The estimated project cost is \$645,000. KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$41,623.94.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICES - K-96 BIKE PATH, OLIVER TO GROVE PARK. (District I)

Agenda Report No. 00-0011.

On July 22, 1997, the City Council entered into an Agreement with Municipal Engineers, P.A. for the design of a Bicycle Path along K-96 from Oliver to Grove Park. Municipal's design effort was put on hold for an extended period of time pending negotiations with the Center for the Improvement of Human functioning on an acceptable route through the Center's property and granting an easement for the proposed path. During this time period, the owner of Municipal decided to close his Wichita office and move to another state. Consequently, it is necessary to reassign the remaining design work to another design firm.

The proposed Supplement Agreement between the City, Municipal Engineers, and Savoy, Ruggles & Bohm, P.A. (SRB) provides for SRB to finish the remaining portion of the Contract. The bike path would be coordinated with the proposed Grove Park improvements. SRB is already under contract to prepare the Grove Park Master Plan. As a part of this effort, SRB is very familiar with the interested neighborhood groups in the area and has already surveyed a significant portion of the proposed path within Grove Park.

Payment to SRB for this Supplemental Agreement will be made on a lump sum basis and not to exceed \$24,000. The funding source is General Obligation Bonds and Federal funds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## CHENEY WATERSHED

### CHENEY WATERSHED STAFF ENHANCEMENT.

Agenda Report No. 00-0012.

Cheney Reservoir is one of Wichita's major sources of water providing approximately 60% of Wichita's annual water supply. In the future, it will play an even larger role in meeting Wichita's water supply needs. Since 1993, the City has been participating in a program to encourage the implementation of projects that will reduce pollution entering Cheney Reservoir. Participation has included the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed. On October 13, 1998, the City Council approved a Memorandum of Understanding with the Citizens' Management Committee to fund a position to assist with the activities of the project.

The Cheney Watershed Improvements Project is one of the most successful projects of its type in the nation and is already receiving national awards. Over 1,700 projects have been completed in the watershed. This has resulted in

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a reduction in taste and odor in the City's drinking water. Much of the credit for the success of the project can be attributed to the Citizens' Management Committee (CMC), composed of people living and working in the watershed who have worked hard to convince their neighbors that these improvements are good for both them and the City.

The watershed above the reservoir covers over 500,000 acres in five counties. Prior to this year there were two full-time staff support positions working for the CMC that were funded by grants and assistance from the EPA and the Natural Resources Conservation Service. While the CMC through group meetings and face-to-face contacts has been able to contact a lot of producers, there are a lot of producers who are not aware of the program and have not had a chance to learn how they can benefit. On October 13, 1998, the City Council approved funding of an additional person. The tasks of the staff member have included:

- ? Working directly with producers to complete projects recommended in the Watershed Implementation Plan
- ? Assisting the CMC at group informational meetings and following up with one-on-one meetings with producers
- ? Assisting producers in determining the profitability of new practices
- ? Assisting in the creation of newsletters and media contacts
- ? Assisting in the preparation of grant requests

This additional staff position has been very successful in increasing interest in the watershed project, the number of projects completed in the watershed, and consequently, impacting the water quality in the reservoir. There are no sources available to fund this position through the other agencies. If this CMC position is to be continued, the City will be required to provide the funding.

The cost of the position is not to exceed \$36,000. Funds are available in CIP W-500, Cheney Watershed Protection Plan, which has \$300,000 allocated for this project in the year 2000.

Motion --  
-- carried

Knight moved that the Memorandum of Understanding be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF 458 LEXINGTON - EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 00-0013.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 458 Lexington, Gene Razook, has expressed an interest in selling this property to the City. The site contains 11,700 square feet and is improved with a 1,925 square foot brick, ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$149,000 and the owner has agreed to sell the property for this amount. The owner may lease the property back from the City. If so, a formal lease agreement will be negotiated. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$154,000 is requested. This includes \$149,000 for the acquisition and \$5,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### **ACQUISITION OF FIVE TRACTS IN THE 14700 THROUGH 14900 BLOCKS OF WEST KELLOGG AND CORRIDOR MANAGEMENT AGREEMENT BETWEEN THE CITY AND KDOT.** (District V)

Agenda Report No. 00-0014.

KDOT received a request from the property owners in the 14700 block of West Kellogg to acquire the necessary right-of-way for future Kellogg and 151st Street highway and frontage road development. It is KDOT's and the City's desire to implement a corridor management project for the acquisition of right-of-way in accordance with the

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corridor master plan to share in the cost of the Project by the use of KDOT Corridor Management Funds and designated City funds.

The owners, Wichita Friends School, Inc. & James R. Perkins, of the five tracts located east of the northeast corner of Kellogg and 151st Street West, expressed an interest in selling this property to the City and State. The site contains approximately 83,205 square feet or 1.91 acres of land, and is zoned LC, GC, and SF-20. The planned expansion of Kellogg will utilize approximately the south 15 – 65 ft. of the present tracts.

The property was appraised at \$28,130.00 and Wichita Friends School, Inc. has agreed to sell their portion of the property for \$22,519.95, the appraised amount, which equates to approximately \$14,853.04 per acre. Mr. Perkins has agreed to sell his property for \$5,610.05, the appraised value, which equates to \$14,240.89 per acre. The property has been appraised and both the City and KDOT have accepted the values provided by the appraiser as equitable. Acquisition at this time will prevent development of the tracts and a higher improved cost when it is acquired later.

The City is responsible for funding a minimum of fifty percent (50%) of the total acquisition cost and all administrative costs for the acquisition. KDOT and the Secretary of Transportation agree to provide \$14,065.00 for the acquisition. Funds have been budgeted for corridor preservation opportunity land acquisitions. A budget of \$33,130.00 is requested. This includes \$28,130.00 for the acquisition and \$5,000 for appraisal fees, closing costs and title insurance. After acquisition, KDOT will repay their participatory amount.

All acquisitions will conform to the provisions of K.S.A. 68-402b and K.A.R. 36-21(a) as to relocation assistance and real property acquisition by a governmental entity for highway, road or street purposes.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 20)  
**EATON PLACE**

**EATON PLACE LOANS.** (District VI)

Motion -- carried

Cole moved that this Item be deferred one week. Motion carried 7 to 0.

**TRANSIT GRANT**

**WICHITA TRANSIT GRANT APPLICATION - FEDERAL TRANSPORTATION ADMINISTRATION (FTA) GRANT.**

Agenda Report No. 00-0017.

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for FY 2000 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Apportionment). The projected total apportionment for FY 2000 is \$2,965,322 of which \$29,653 is required for transit enhancement projects.

The proposed Resolution authorizes the following projected enhancements:

- ? Eight (8) replacement and one (1) expansion Special Services vans and associated accessories;
- ? One (1) small bus (van type) with accessories;
- ? One (1) supervisor support vehicle (replacement);
- ? Support maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- ? Research and acquisition of Automated Transit Technology Systems including fixed route, customer service and maintenance packages;
- ? Downtown Transit Center repairs and upgrade;
- ? Special services, including ADA operating expenses;
- ? Benches and shelters;
- ? Staff planning and training activities;
- ? FTA required Transit Development Program Study (TDP).

Due to FTA's expanded scope of eligible reimburseable operating expenses in maintenance and ADA services, approximately fifty-four percent of the proposed grant will fund operating expenses.

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Total grant budget is \$3,705,165; eighty percent federal share is \$2,964,132. The twenty percent local share is \$741,033. State of Kansas Department of Transportation and Kansas Corporation Commission (KCC) grants will fund about \$346,300 of the local share, while the City's \$394,733 remaining local share will be absorbed within the Transit Fund's FY 2000 Adopted Budget.

Motion --  
-- carried

Knight moved that the filing of an application and receipt of funds be approved, and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO.R-00-004

A Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended, to support 2000 Section 5307 Projects, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

**KDOT**

### **WICHITA TRANSIT GRANT APPLICATION - KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) GRANT.**

Agenda Report No. 00-0018.

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071 which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,168,200 for KDOT's FY 2000 (July 1, 1999, through June 30, 2000) which may be used for capital or operating expenditures. Funds may be to fund 100% of project costs.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City Manager to file for eligible State funds for the support of the City's Transit services CY 2000 capital purchases and transit operations.

The grant will provide for the following:

- ? Seven (7) replacement and one (1) expansion paratransit vans and associated accessories;
- ? One (1) small bus (van type) with accessories;
- ? Passenger shelters, paratransit user aids and improvements, and customer support projects;
- ? One (1) supervisor support vehicle (replacement);
- ? Tires, wheelchair lift, and exterior refurbishment of buses;
- ? Jobs grant support;
- ? Intelligent Transportation Systems initiatives including research and purchase of automatic vehicle locator system, and paratransit scheduling package;
- ? Revised Safety Program, including training and other employee initiatives;
- ? Service improvements, including operation and maintenance personnel costs, maintenance parts, equipment overhauls, associated fuels, and administrative support .

Total grant budget is \$515,500, with a carryover of \$652,700 to be used for future Transit services or capital projects. KDOT funds will be used in conjunction with Federal projects at 20% of total costs, while service-related projects can be funded up to 100%.

Motion --  
-- carried

Knight moved that the filing for the Grant and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

**CENTRAL AVE. ORD**

### **AMENDING ORDINANCE: CENTRAL AVENUE IMPROVEMENT - I-235 TO WEST STREET.** (Districts IV and V)

Agenda Report No. 00-0019.

On October 13, 1998, the City Council approved a project to reconstruct Central, between I-235 and West Street. An attempt to award a construction contract within the approved budget was not successful.

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The project will widen Central to five lanes with four through-lanes and a center two-way left turn lane.

An Amending Ordinance has been prepared to increase the project budget from \$2,700,000 to \$3,100,000. Funding source for the \$400,000 increase is Federal Grants administered by the Kansas Department of Transportation.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Ordinance No. 43-976 of the City of Wichita, Kansas, declaring Central Avenue from the I-235 Freeway to West Street (472-83014) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

CPO

### **CITIZEN PARTICIPATION ORGANIZATION ORDINANCE (REPEALING CHAPTER 2.60).**

Agenda Report No. 00-0020.

On September 27, 1999, the City Council approved a resolution calling for the sunset of the Citizen Participation Organization (CPO) and the development of an alternative citizen involvement process. Staff was directed to forward the appropriate ordinance for the sunset and dissolution of the CPO when the alternative process was established. On December 14, 1999, the City Council approved the establishment of District Advisory Boards to provide the citizen involvement process for the City.

The proposed ordinance repeals Chapter 2.60 of the Code of the City of Wichita. The effect is the dissolution of the Citizen Participation Organization upon the effective date of the ordinance.

Financial considerations were addressed with the District Advisory Board ordinance.

The City Council has the authority under its Home Rule powers to sunset and abolish the CPO. The ordinance has been drafted and approved as to form by the Law Department.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance abolishing the Citizen Participation Organization and repealing Chapter 2.60 of the Code of the City of Wichita, introduced and under the rules laid over.

IRB-COLEMAN

### **IRB - ORDINANCE AUTHORIZING EXECUTION AND DELIVERY OF FIRST AMENDMENT TO THE LEASE (COLEMAN COMPANY, INC.)**

Agenda Report No. 00-0021.

Since 1993, the City of Wichita has annually issued industrial revenue bonds, pursuant to an Interlocal Cooperation Agreement with the City of Maize, Kansas, to assist in the financing of assets acquired by The Coleman Company for use at its Wichita and Maize facilities. The forms of the Site Lease and Lease documents for the IRB Project and Project Additions include standard terms providing the City will not cause or allow liens to be placed against the subject property. Now, The Coleman Company and its parent entity, Sunbeam Corporation, seek a First Amendment to Lease in order to allow them to execute a mortgage on the property in favor of a group of lending institutions represented by First Union National Bank.

The form of the First Amendment to Lease expands the definition of "Permitted Encumbrances" to include the mortgage which the Tenant desires to enter into. It also adds clarifying references favorable to the City, recognizing, for example, that any applicable existing or future special assessments are not intended to be prohibited liens. The BNY Trust Company, as Trustee for the affected industrial revenue bonds, will consent to the First Amendment to Lease in its capacity as the Trustee and Assignee of the Lease. The Coleman Company will

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also consent to the amendment in its capacity as holder of 100% of the Outstanding Bonds, and will execute the amendment in its capacity as Tenant. The form of the amendment contains a section whereby the City will recognize and consent to the existence and recording of the mortgage.

Costs arising in relation to the need for passage and publication of the amending Ordinance will be born by the Tenant, and not by the City.

Motion --  
-- carried

Knight moved that the Ordinance authorizing the first amendment to a lease including the City's acknowledgment of and consent to a mortgage on the subject property be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance authorizing execution and delivery of first amendment to lease – Coleman Company, Inc., introduced and under the rules laid over.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ DECEMBER 21,1999)**

- a. Tax Exemption - Rand Graphics, Inc. (District IV)

#### ORDINANCE NO. 44-472

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Rand Graphics, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Z-3342 - north of Douglas and west of Glendale - 131 North Glendale. (District II)

#### ORDINANCE NO. 44-473

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3342

## **PLANNING AGENDA**

Marvin Krout

Director of Planning stated that Planning Items 27 through 33 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --  
-- carried

Knight moved that Planning Agenda Items 27 through 33 be approved as consensus Items. Motion carried 7 to 0.

V-2182

### **V-2182 - REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED NORTH OF 13TH STREET NORTH AND WEST OF CADDY LANE.** (District V)

Agenda Report No. 00-0022.

Staff Recommendation: Approve vacation of a portion of a building setback.  
MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicant is requesting to vacate three feet of the 25-foot platted building setback. The existing home was built into this 25-foot platted setback. The applicants have also filed for an administrative adjustment to reduce the zoning setback from 25 feet to 22 feet.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the

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vacation shall only be for the portion of the existing home which encroaches into the setback, and the applicant shall comply with all conditions of the administrative adjustment. No written protests have been filed.

Motion --  
-- carried

Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

**V-2205**

**V-2205 - REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED NORTH OF 37TH STREET NORTH AND WEST OF SENECA - 4033 NORTH AMIDON.** (District VI)

Agenda Report No. 00-0023.

Staff Recommendation: Approve vacation of a portion of a building setback.  
MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

The applicant is requesting to vacate 20 feet of a 30-foot platted building setback along the front property line for the construction o a room addition. Approval of this vacation also reduces the zoning setback for this lot; a variance approved by the Board of Zoning Appeals is not required (per UZC Section III-E.2.3(4)).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the requirement that the appearance of the room addition be similar in style and color to the existing home; the roofline of the room addition may be lower in elevation than the existing roofline, but it shall have the same pitch and angle as the existing roof. No written protests have been filed.

Motion --  
-- carried

Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

**V-2206**

**V-2206 - REQUEST TO VACATE A PORTION OF ACCESS CONTROL LOCATED NORTH OF 29TH STREET NORTH AND ONE-FOURTH MILE EAST OF RIDGE ROAD.** (District V)

Agenda Report No. 00-0024.

Staff Recommendation: Approve vacation of a portion of access control.  
MAPC Recommendation: Approve vacation of a portion of access control. (unanimous)

The applicant is requesting to vacate a portion of the complete access control along 29th Street North. This will allow for the development of a 24-foot driveway and boat ramp for the Ridge Port Addition.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --  
-- carried

Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion carried 7 to 0.

**V-2208**

**V-2208 - REQUEST TO VACATE CONTINGENT STREET DEDICATION LOCATED AT THE NORTHWEST CORNER OF 21ST STREET NORTH AND MAIZE ROAD.** (District V)

Agenda Report No. 00-0025.

Staff Recommendation: Approve vacation of contingent street dedication.  
MAPC Recommendation: Approve vacation of contingent street dedication. (unanimous)

The applicant is requesting to vacate a contingent street dedication for commercial development of the site. The applicant will dedicate street right-of-way that is continuous with previous 20-foot street dedication west of this property, along 21st Street North, and an additional 5 feet of street right-of-way along Maize Road.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the

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applicant shall dedicate, by separate instrument, additional street right-of-way, which shall include 20 feet along the south property line (21st Street North) and 5 feet along the east property line (Maize Road). No written protests have been filed.

Motion -- Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**V-2209**

**V-2209 - REQUEST TO VACATE UTILITY EASEMENT LOCATED BETWEEN EDWARDS AVENUE AND MCLEAN BOULEVARD, SOUTH OF 9TH STREET NORTH.** (District VI)

Agenda Report No. 00-0026.

Staff Recommendation: Approve vacation of utility easement.  
MAPC Recommendation: Approve vacation of utility easement. (unanimous)

The applicant requests to vacate a 20-foot utility easement for the development of duplex housing on this site.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the west 20 feet shall be retained as utility easement. No written protests have been filed.

Motion -- Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**V-2210**

**V-2210 - REQUEST TO VACATE ACCESS CONTROL LOCATED EAST SIDE OF HOOVER BETWEEN HARRY AND KELLOGG - 1400 BLOCK OF SOUTH HOOVER.** (District V)

Agenda Report No. 00-0027.

Staff Recommendation: Approve vacation of access control.  
MAPC Recommendation: Approve vacation of access control. (unanimous)

The applicant is requesting to vacate access control along Hoover Road for Lots 1 and 2. Additional access control will be dedicated, which will allow for two separate openings on Lot 1 and two openings for the entire frontage of Lot 2 with a minimum of 100 feet between the center of any two openings.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall dedicate, by separate instrument, access control along Hoover Road, as indicated on the submitted site plan. No written protests have been filed.

Motion -- Knight moved that the vacation and dedication be approved and the and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

**S/D 99-68**

**S/D 99-68 - PLAT OF MAPLE STREET MINI-MALL ADDITION LOCATED ON THE NORTH SIDE OF MAPLE STREET, EAST OF WEST STREET.** (District IV)

Agenda Report No. 00-0028.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (10-0)

The plat is zoned LC, Limited Commercial. Municipal water and sewer are available to serve the site.

The plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion -- Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.  
-- carried



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(Item No. 34)

**A 99-31**

**A 99-31 - RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED SOUTH OF 55TH STREET SOUTH, WEST OF SENECA TO EAST OF HILLSIDE.** (Districts III and IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 00-0029.

A resolution establishing a future public hearing date of March 7, 2000, for consideration of a unilateral annexation was approved. The properties proposed for annexation are located south of 55th Street South, west of Seneca to east of Hillside

The subject area consists of approximately 1,386 acres and 1,206 properties (1,146 are platted and 60 are unplatted). The land-use pattern consists of 980 residential tracts, 35 commercial tracts, 111 farm-related tracts, 74 vacant tracts, and six (6) exempt tracts. The majority of the area is zoned "SF-20" Single-Family Residential and "RR" Single Family Residential, with several small areas zoned "LC" Limited Commercial, "GC" General Commercial and "LI" Limited Industrial. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation ("SF-10" if requested by property owner), while other properties will retain their existing zoning. The majority of the land proposed for annexation is located within the area identified as "low-density residential" and "suburban" in the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change. Only the northern half of the proposed area for annexation is within the "new growth" boundary found in the comprehensive plan.

The proposed annexation will allow for the continuation of the City's growth in the south part of Wichita. Although there are no properties in the annexation area currently being served by City of Wichita water, there are many valid water service petitions that have been submitted to the City Public Works Department. Two areas have petitions that are circulating while others are awaiting approval by the Wichita City Council. Some petitions have been approved and the projects are currently in the design stage.

As for sewer, there are no properties in the proposed annexation area currently being served by the City of Wichita. These properties are currently served by private sewage disposal systems. There is a 60-inch sewer main located along 55th Street South running to the City's Sewage Treatment Plant No. 2, located to the northeast of the annexation area from which service could be extended.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$41,978,920 resulting in an annual City Ad Valorem tax revenue of approximately \$156,752. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --  
-- carried

Gale moved that the service plan be approved and the Resolution setting the hearing date for March 7, 2000, at the Machinists Union Hall, 3830 South Meridian Avenue, Wichita, Kansas, be adopted. Motion carried 7 to 0.

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## RESOLUTION NO. R-00-005

A Resolution establishing a future public hearing on the annexation of eligible properties described <<<<<<to the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-99-31

### AIRPORT AGENDA

#### AIRPORT

#### CONSULTING ASSISTANCE - WICHITA AIRPORT.

Agenda Report No. 00-0030.

In January, 1999, an Air Service Task Force was appointed to assist in assessing the current air service environment, identify local options and make recommendations to solve the air fare differential between Wichita's and other regional airports. Over the past year, four task forces, comprised of knowledgeable and interested citizens have been meeting exploring various options, including discount airline recruitment, fare negotiations with existing airlines, strategies to attract Southwest Airlines to Wichita, marketing and long-term retention of discount air line services, and creative approaches for low fare airline services.

As the Task Force develops strategies and explores various alternatives, it is necessary to retain expert services to assist in complicated analysis and evaluation of alternatives being studied. It is proposed that the City Council, acting as the Airport Authority, authorize the City Manager to expend an amount of not to exceed \$20,000 for such special consulting services, on an as-needed basis.

Funding for these services can be expended from the Airport Budget or the City's General Fund. If approved, it is proposed that the City Manager be given the discretion as to the appropriate budget for such expenditure.

Motion --  
-- carried

Knight moved that the consulting services be approved the City Manager be authorized to identify appropriate budget for funding. Motion carried 7 to 0.

#### AIRPORT FEES

#### SCHEDULE OF FEES AND CHARGES FOR USE OF WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 00-0031.

Each year the Wichita Airport Authority adopts a schedule of fees and charges and a resolution for aviation users. These fees are calculated to maintain adequate revenue streams which will cover budgeted operating as well as capital costs.

The landing fee rate and terminal rental rate calculations are in accordance with the methodology established in the airline/airport use agreement. Other aviation use fees are set to reflect market price as maintained at other similar airports. Rates are also established for those who do not hold agreements with the WAA. Those who do not hold an agreement are assessed a higher rate to reflect not having a fixed commitment to the WAA. Landing fees for signatory air carriers, signatory commercial aircraft operators, and non-signatory commercial aircraft operators decreased 5.5% from the 1999 rates.

It is estimated that these rates will generate in excess of \$2,500,000 of revenue to offset the cost of operating the airfield and the terminal building. Other revenues also support these functions. Rates have been developed in accordance with Federal rates and charges regulations.

Motion --  
-- carried

Knight moved that the Resolution implementing a schedule of fees and charges to be effective January 1, 2000, be adopted. Motion carried 7 to 0.

## RESOLUTION NO. A-00-001

A Resolution of the Wichita Airport Authority implementing a schedule of fees and charges for scheduled passenger airlines, to be effective January 1, 2000, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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## **AIRLINE/AIRPORT USE AIRLINE/AIRPORT USE AGREEMENT, SCHEDULED AIR CARRIERS.**

Agenda Report No. 00-0032.

The Wichita Airport Authority and the airlines are currently negotiating revisions to the airline/airport use agreement which expired on December 31, 1994. Short-term agreements have extended the term to the present. The Airport Authority and the airlines are desirous of again extending the term by entering into a four-month agreement with updated rates. The airlines who have existing agreements with the Wichita Airport Authority are as follows: Air Midwest, Air Wisconsin d/b/a United Express, America West, American, American Eagle, Atlantic Southeast, COMAIR, Continental Express, Express Airlines I d/b/a Northwest Airlin, Mesa, Mesaba, Northwest, Trans World Airlines, and United.

This agreement will provide a framework for operations until negotiations of a permanent agreement are completed. It is anticipated that negotiations will be completed and a proposed contract will be presented for approval prior to April 30, 2000.

The average square foot rental rate for use of space in the terminal building was decreased by 7.3% due to lower debt service requirements. In addition, landing fees were decreased by 5.5% from the 1999 rates. The estimated financial impact of the four-month contract with the signatory airlines is \$1,300,000.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **SUBLEASE AGMT.**

### **SUBLEASE AGREEMENT - INTERNATIONAL FLYING FARMERS AND AIR CAPITAL JET SALES.**

Agenda Report No. 00-0033.

International Flying Farmers (IFF) currently occupies 1,392 sq. ft. of space on the first floor of the International Flying Farms Building located at 2120 Airport Road. The contractual agreement between IFF and the Wichita Airport Authority states that the tenant has the right to sublease excess space over and above its needs to an aviation-oriented tenant subject to the approval of the Wichita Airport Authority, which approval shall not be unreasonably withheld. IFF has determined that they are desirous of subleasing 590 sq. ft. of space to Air Capital Jet Sales.

Subleasing space is allowed within the scope of the original agreement. The sublease agreement is subordinate to the primary lease between IFF and the Wichita Airport Authority.

There is no financial impact on the Wichita Airport Authority.

Motion --  
-- carried

Knight moved that the Sublease Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **SKYCAP SERVICES**

### **SUPPLEMENTAL AGREEMENT NO. 2 (HARRISON ARMSTRONG) - PROVISION OF SKYCAP SERVICES.**

Agenda Report No. 00-0035.

Harrison "Brock" Armstrong, as an independent contractor, provides baggage handling and passenger assistance services to the traveling public using Wichita Mid-Continent Airport.

Mr. Armstrong serves as the manager of skycap function on Wichita Mid-Continent Airport. As an independent contractor, he is responsible for all employment responsibilities associated with the provision of this service. By contractual agreement, he is responsible for ensuring that the skycap function is adequately staffed.

Cost of the provision of these services is \$92.99 per day, or \$34,034 during year 2000. Costs associated with this program are shared by the Airport Authority and the airlines.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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**INSURANCE MGMNT. SUPPLEMENTAL AGREEMENT NO. 2 (PROFESSIONAL INSURANCE MANAGEMENT) - 2120 AIRPORT ROAD.**

Agenda Report No. 00-0034.

Professional Insurance Management (PIM) currently leases the entire second floor of the facility located at 2120 Airport Road. The term of that Agreement is July 1, 1999 through June 30, 2004. PIM is desirous of leasing a portion of the first floor, which encompasses 1,652.57 sq.ft., for the term commencing January 15, 2000 through June 30, 2004. The space was previously occupied by Ballard Flying Service, and was vacated when Ballard moved to their newly constructed facility on the northern portion of Wichita Mid-Continent Airport.

The Martens Companies provided an appraisal report for this facility on October 17, 1999. Comparably sized class "B" office spaces outside the downtown area were used as a basis for establishing a fair market rental rate for this facility. The square footage rental rates recommended over the term of the agreement are \$7.00, \$7.25, \$7.50, \$7.75, and \$8.00 respectively. Utility, janitorial, and minor maintenance is the responsibility of the tenant.

Revenue to the Airport Authority for each respective term would be \$5,348.65, \$11,981.13, \$12,394.28, 12,807.42, and \$13,220.56.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**AIRPARTS CO., INC. SUPPLEMENTAL AGREEMENT NO. 4 (AIRPARTS COMPANY, INC.).**

Agenda Report No. 00-0036.

This agreement expires December 31, 1999. The space has been leased by Airparts since January 1, 1996, and the tenant has expressed an interest in extending the agreement for one additional year through December 31, 2000. The leased area includes 2,504 sq.ft. of exclusive-use space and 168 sq.ft. of joint-use space. The remainder of the facility, which includes 9,006 sq.ft. of warehouse space, is leased by Rockwell Collins.

Both the office and warehouse spaces were appraised by the Martens Companies on December 14, 1998. At that time, the rate of \$2.75/sq.ft. per year was recommended for office space occupied by Rockwell Collins through February 28, 2002. Based upon that assessment, it is recommended that the rate of \$2.75 per sq.ft. be continued for Airparts as well, through their one-year extension in 2000. The land rental rate for the facility will be according to WAA policy and will escalate 5% from the previous year.

Revenue to the WAA for the one-year period will be \$9,584.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**EXECUTIVE SESSION**

Motion --

-- carried

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice, and the regular meeting be resumed at 10:20 a.m. in the City Council Chambers. Motion carried 7 to 0.

RECESS

The City Council recessed at 9:50 a.m. and reconvened at 10:29 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

**ADJOURNMENT**

The City Council meeting adjourned at 10:29 a.m.

Pat Burnett CMC  
City Clerk